

MEMO ENDORSED

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: D: 7/22/08

MICHAEL A. CARDODOZ
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEVEN D. WEBER
phone: 212-788-0957
fax: 212-788-0940
email: stweber@law.nyc.gov

July 16, 2008

BY FAX

Hon. Naomi R. Buchwald
United States Courthouse
500 Pearl St., Room 2270
New York, NY 10007

JULY 16 2008

Re: Kevin Davis v. Robert Shaw, et al.,
08 CV 00364 (NRB)

MEMO ENDORSED

Dear Judge Buchwald:

I am an Assistant Corporation Counsel who has just been assigned to represent Robert Shaw, Martin F. Horn, and the New York City Department of Correction ("NYC DOC") in the above-referenced case. I am writing to respectfully request an extension of time for Defendant Horn to respond to the Complaint until August 22, 2008. This is the first request for an extension of time in this matter. As Plaintiff *pro se* is an incarcerated inmate, it was not feasible to obtain his prior consent to this request.

This extension of time is necessary to confer with my client, fully research the allegations in the Complaint, and to prepare a response. Although it appears from the docket in this action that Defendant Horn may have been properly served on May 2, 2008, this Office unfortunately did not receive a copy of the Complaint in this action until July 11, 2008. We apologize for any inconvenience this may have caused to the Court. Additionally, at this time it is unclear if Robert Shaw and the NYC DOC have been properly served with a copy of the Summons and Complaint in this action. The requested extension of time is necessary in order to attempt to determine if they have been properly served. Additionally, the requested extension of time will allow a uniform response to Plaintiff's Complaint.

Sincerely yours,

Steven D. Weber
Assistant Corporation Counsel

cc: Kevin Davis (BY MAIL)